

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Patel et al.

Serial No.: Not Yet Assigned
(CON of 10/613,698)

Attorney Docket No.: 03-40102-US-C2

Filing Date: September 28, 2005

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned
(parent assigned to
Examiner I. Ghali)

For: DELIVERY SYSTEM FOR
TOPICAL MEDICATIONS

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.84(a)(2) AND (b)(2) REQUESTING
ACCEPTANCE OF COLOR PHOTOGRAPHS**

Applicant hereby petitions the Commissioner pursuant to 37 CFR §1.84(a)(2) to accept the color photographs which are herewith submitted.

Applicant submits that the only practical medium by which to disclose the subject matter to be patented is by color photographs. In particular, Figures 2-5 depict ultra-violet photographs of subjects after application of a composition to the face via and not via a pad. The colors depicted on the faces of subjects in the figures, as well as the relative intensity, is necessary to differentiate the areas receiving the composition. Color is an integral part of being able to illustrate the effectiveness of the invention.

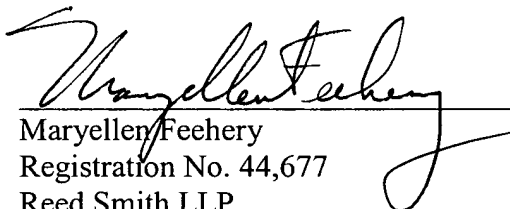
Applicant also herewith submits the following:

- (1) The fee set forth in 37 CFR §1.17(h);
- (2) Three (3) sets of color photographs; and
- (3) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color photographs.

Therefore, Applicant respectfully requests that the petition be granted. Should Commissioner have any questions regarding this Petition, Applicant requests the courtesy of a telephone conference.

The Commissioner is hereby authorized to charge any deficiency in the enclosed amount or credit any overpayment to Deposit Account No. 18-0586.

Respectfully Submitted,



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EXPRESS MAIL CERTIFICATE (37 CFR 1.10)

Express Mail Label No. EV 791165315 US

Date of Deposit September 28, 2005

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name Cody M. McAtee

Signature

